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| 1 | UNITED STATES DISTRICT COURT | |
| 2 | DISTRICT OF NEVADA | |
| 3 | JOEY A. GARCIA, | Case No. 3:20-cv-00522-RCJ-WGC |
| 4 | Plaintiff | ORDER |
| 5 | v. | |
| 6 | WASHOE COUNTY DETENTION | |
| 7 | FACILITY, | |
| 8 | Defendant | |

9 **I. DISCUSSION**

10 On September 15, 2020, Plaintiff, an inmate in the custody of the Nevada
 11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.
 12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s
 13 application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted
 14 financial certificate or an inmate account statement for the previous six-month period from
 15 the NDOC facility. If Plaintiff has not been at the NDOC facility a full six-month period,
 16 Plaintiff must still submit a financial certificate and an inmate account statement for the
 17 dates he has been present at the facility.

18 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
 19 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
 20 action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the
 21 inmate must submit all three of the following documents to the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
 23 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
 24 page 3),
 25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 26 official (i.e. page 4 of this Court’s approved form), and
 27 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
 28 **previous six-month period**. If Plaintiff has not been at the NDOC facility a full six-month

1 period, Plaintiff must still submit a financial certificate and an inmate account statement
2 for the dates he has been present at the facility.

3 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*
4 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant
5 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*
6 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete
7 application to proceed *in forma pauperis* on or before **November 16, 2020**. Absent
8 unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff
9 does not file a fully complete application to proceed *in forma pauperis* with all three
10 required documents on or before **November 16, 2020**, the Court will dismiss this case
11 without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to
12 acquire all three of the documents needed to file a fully complete application to proceed
13 *in forma pauperis* or pays the full \$400 filing fee.

14 A dismissal without prejudice means Plaintiff does not give up the right to refile the
15 case with the Court, under a new case number, when Plaintiff has all three documents
16 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
17 may choose not to file an application to proceed *in forma pauperis* and instead pay the
18 full filing fee of \$400 on or before **November 16, 2020** to proceed with this case.

19 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
20 will not file the complaint unless and until Plaintiff timely files a fully complete application
21 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

22 **II. CONCLUSION**

23 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
24 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
25 application to proceed *in forma pauperis* with all three documents.

26 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
27 approved form application to proceed *in forma pauperis* by an inmate, as well as the
28 document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that on or before **November 16, 2020**, Plaintiff will either pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50 administrative fee) or file with the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the NDOC facility a full six-month period, Plaintiff must still submit a financial certificate and an inmate account statement for the dates he has been present at the facility.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action on or before **November 16, 2020**, the Court will dismiss this action without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$400 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.1-1) but will not file it at this time.

DATED: September 16, 2020

Walter G. Cobb
UNITED STATES MAGISTRATE JUDGE

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